She drank the mixture and died. *Held,* the defendant is guilty of murder. *People* v. *Roberts* (Mich.), 178 N. W. 690.

At common law, suicide or self-murder is a felony. *State* v. *Levelle,* 34 S. C. 120, 27 Am. St. Rep. 799. But since the self-murderer himself was beyond the pale of human punishment, the common law sought to prevent the crime by attaching to it an ignominious burial in the highway with a stake driven through the body, and a forfeiture of goods. 4 BL. COM. 190. And if one counsel another to commit suicide, and the other, acting upon such advice, takes his own life, the adviser is guilty of murder. *Commonwealth* v. *Bowen,* 13 Mass. 356, 7 Ann. Dec. 154. By the old common law rule, if he was present at the commission of the act he was guilty of murder as a principal; but if he was absent he was a mere accessory before the fact, and since he could not be tried until the principal had first been tried and convicted, he escaped punishment. *Rex* v. *Russell,* 1 M. C. C. 356.

So also, if a person kills another upon the desire or command of the latter, he is guilty of murder; yet the person killed is not looked upon as a *felo de se,* for his assent, being contrary to law, is void. 1 RUSSELL, CRIMES, 8th Am. ed., 506. And if two persons agree to commit suicide together, and the means employed to procure death take effect upon one only, the survivor is guilty of the murder of the one who dies. *Blackburn* v. *State,* 23 Ohio St. 146; *Reg.* v. *Alison,* 8 Car. & P. 418.

In the principal case, however, there was no agreement or persuasion on the part of the defendant; he merely, at his wife's request and bidding, mixed the poisonous potion and placed it within her reach.

It is submitted that this decision is undoubtedly sound. The law has too high a regard for human life to suffer it to be lightly tampered with. It protects the lives of those to whom life is a burden as well as those in the full tide of life's enjoyment. *Blackburn* v. *State, supra.*

DAMAGES—LOSS OF USE OF GOODS—GOODS USED FOR PLEASURE PURPOSES ONLY.—The plaintiff owned an automobile which he used for both business and pleasure. It was damaged by the negligence of the defendant and was laid up ten days for repairs; the repairs costing $80.50. During this time the plaintiff was deprived of its use, but did not hire another to take its place. He thereupon brought action for damages resulting from the defendant's negligence. The lower court awarded the plaintiff $80.50 for the cost of repairs and also $100.00 for the loss of the use of the machine for the ten days. The defendant appealed as to the award of the $100.00. The appellate court conceded for the sake of argument that the car was used *solely* for pleasure purposes. *Held,* the plaintiff can recover. *Dettmar* v. *Burns Bros.,* 181 N. Y. Supp. 146. See NOTES, p. 141.

DESCENT AND DISTRIBUTION—RIGHT OF HUSBAND OR WIFE TO INHERIT FROM SPOUSE WHOM HE OR SHE HAS KILLED.—The plaintiff was convicted of manslaughter for killing her husband. The parties were domiciled in Kansas, and the conviction occurred in a court of that State. The

husband died intestate, leaving certain lands in Oklahoma. An Oklahoma statute provided:

"No person who is convicted of having taken, or causes or procures another so to take, the life of another, shall inherit from such person, or receive any interest in the estate of the decedent, or take by devise or legacy, or descent or distribution, from him, or her, any portion of his, or her, estate."

A statute similar in all material respects to the Oklahoma statute was in force in Kansas at the time. The plaintiff brought action to recover her one half statutory interest in the decedent's Oklahoma land. *Held,* the plaintiff may recover. *Harrison* v. *Moncravie,* 264 Fed. 776.

The Kansas statute, referred to *supra,* has been held to apply to a wife who is convicted of manslaughter in the third degree for the death of her husband. *Hamblin* v. *Marchant,* 103 Kan. 508, 175 Pac. 678, 180 Pac. 811. But where a similar statute affecting the right to inherit uses the term "murder" only, it is held that such statute cannot apply to one who is convicted of manslaughter for killing the deceased. *In re Kirby,* 162 Cal. 91, 121 Pac. 370, 39 L. R. A. (N. S.) 1088, Ann. Cas. 1913C 928.

It is settled that when the laws of a State disqualify a person who has been convicted of a felony, such disqualification is not effected by the conviction of a felony in the courts of another State or in a federal court. *Logan* v. *United States,* 144 U. S. 263; *Samuels* v. *Commonwealth,* 110 Va. 901, 66 S. E. 222. See also *Brown* v. *United States,* 233 Fed. 353, L. R. A. 1917A 1133 and note. The laws of a State relating to intestate succession of property within its jurisdiction have no extraterritorial effect except such as is allowed by comity. *Colvin* v. *Jones,* 194 Mich. 670, 161 N. W. 847. And "so far as creditors are concerned, each State will deal with a decedent's property within its jurisdiction according to its own laws." *Vansickle* v. *Hazeltine,* 29 Idaho 228, 158 Pac. 326; *Estate of Apple,* 66 Cal. 432, 6 Pac. 7.

In the absence of statute, the weight of authority is to the effect that the courts have no power to except murderers from the operation of statutes of descent, and the guilt of the accused will not prevent his inheriting from the victim. *McAllister* v. *Fair,* 72 Kan. 533, 84 Pac. 112, 3 L. R. A. (N. S.) 726 and note, 115 Am. St. Rep. 233, 7 Ann. Cas. 973 and note; *Shellenberger* v. *Ransom,* 41 Neb. 631, 59 N. W. 935, 25 L. R. A. 564. And this is true even though the courts fully recognize the injustice of thus allowing one to profit by his own wrong. *Gollnik* v. *Mengel,* 112 Minn. 349, 128 N. W. 292. This rule, however, is by no means universally accepted even at common law. *Perry* v. *Strawbridge,* 209 Mo. 621, 108 S. W. 641, 123 Am. St. Rep. 510, 14 Ann. Cas. 92 and note, 16 L. R. A. (N. S.) 244. Under this last view, it has been held that where a husband murders his wife and then kills himself, his estate is not seized of an entire estate in property which he and his wife held as tenants by entireties, though the crime was not committed to secure the property and the husband clearly could not benefit by his act. *Van Alstyne* v. *Tuffy,* 169 N. Y. Supp. 173. On the other hand, even where a statute exists prohibiting any person from inheriting from

one whom he has feloniously killed, it has been held that a husband does become seized of an entire estate in property which he and his wife held as tenants by entireties when the death of the wife was caused by his felonious act. *Beddingfield* v. *Estill*, 118 Tenn. 39, 100 S. W. 108, 9 L. R. A. (N. S.) 640, 11 Ann. Cas. 904.

For right of the representative of a deceased consort to sue the other for death by wrongful act in Virginia, see 7 VA. LAW REV. 82.

EXTRADITION—FLIGHT—DEPARTURE FROM STATE AFTER ACT IN FURTHERANCE OF CRIME SUBSEQUENTLY CONSUMMATED.—The petitioner was arrested by Alabama authorities on a requisition of the governor of Michigan, founded upon affidavit, charging the petitioner with having deserted his wife and family in Michigan on the 22nd day of December, 1918. As a matter of fact the petitioner was not in the State of Michigan on that date, having left on the 21st of December, 1918. He therefore brought this writ of *habeas corpus*, claiming his detention to be illegal. *Held*, petition dismissed. *Ex parte Forbes* (Ala. App.), 85 So. 590.

In extradition proceedings, a requisition of the executive authority of a State, accompanied by a sworn copy of the accusation and a warrant of the governor of the surrendering State authorizing arrest, creates a presumption that a crime has been committed in the demanding State and, where *habeas corpus* is resorted to, makes out a *prima facie* case that the prisoner is legally held. *Godwin* v. *State*, 16 Ala. App. 397, 78 So. 313; *In re Van Sciever*, 42 Neb. 772, 60 N. W. 1037, 47 Am. St. Rep. 730. But it is the general rule that, for a person to be a fugitive from justice, it must be affirmatively shown that he was actually within the State, from which a demand for his surrender comes, at the time at which the crime is alleged to have been committed. *Farrell* v. *Hawley*, 78 Conn. 150, 61 Atl. 502, 70 L. R. A. 686, 112 Am. St. Rep. 98, 3 Ann. Cas. 874; *Hartman* v. *Aveline*, 63 Ind. 344, 30 Am. Rep. 217; *Dennison* v. *Christian*, 72 Neb. 703, 101 N. W. 1045, 117 Am. St. Rep. 817. However, where, as in the instant case, one departs from a jurisdiction after the commission of an act in furtherance of a crime subsequently consummated, it is a flight from justice, and renders the fugitive liable to extradition. *Strassheim* v. *Daily*, 221 U. S. 280; *In re Sultan*, 115 N. C. 57, 20 S. E. 375, 28 L. R. A. 294, 44 Am. St. Rep. 433; *Ex parte Hoffstot*, 180 Fed. 240, 243. For other notes on extradition, see 2 VA. LAW REV. 472; 5 VA. LAW REV. 287.

HUSBAND AND WIFE—DIVORCE PROCEEDINGS—AGREEMENT TO RESUME MARITAL RELATIONS.—The plaintiff brought a suit against her husband for an absolute divorce, on the ground of adultery. While the suit was pending, she discontinued it, and resumed her relations with her husband, in consideration of the agreement of her husband and his father to pay her an annuity each month during the remainder of her life. She lived with her husband until his death. A portion of the money had been paid her, and this action was brought against the father to recover what was due and owing her under the contract. *Held*, she can recover. *Rodgers* v. *Rodgers* (N. Y.), 128 N. E. 117.